

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	<u>SUPERSEDING INDICTMENT</u>
	:	
- v. -	:	Sl 19 Cr. 548 (KMK)
	:	
GABRIEL LETIZIA, Jr.,	:	
	:	
Defendant.	:	
- - - - -	x	

COUNT ONE  
(Conspiracy to Commit Wire Fraud)

The Grand Jury charges:

1. At all times relevant to this Superseding Indictment, GABRIEL LETIZIA, Jr., the defendant, was the owner and Executive Director of a consumer products testing laboratory (the "Laboratory") in Rockland County, New York. The Laboratory tested the efficacy and safety of cosmetics, sunscreens and other products on specified numbers of volunteer panelists in exchange for fees paid by consumer products companies (the "Laboratory's Customers").

2. From at least in or about 1987 through in or about April 2017, at the direction of GABRIEL LETIZIA, Jr., the defendant, Laboratory employees tested products on materially lower numbers of panelists than the numbers specified by the Laboratory's Customers. LETIZIA, and Laboratory employees acting under his direction, then falsely represented to the Laboratory's Customers

that the Laboratory had tested the products on the number of panelists specified by the Laboratory's Customers. LETIZIA, and Laboratory employees acting under his direction, also made materially false and misleading statements about the results of the tests to the Laboratory's Customers.

3. From at least in or about 1987 through in or about April 2017, in the Southern District of New York and elsewhere, GABRIEL LETIZIA, Jr., the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit wire fraud, in violation of Title 18, United States Code, Section 1343.

4. It was a part and an object of the conspiracy that GABRIEL LETIZIA, Jr., the defendant, and others known and unknown, having devised and intending to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, LETIZIA and Laboratory employees sent the Laboratory's reports containing the false information described to paragraph 2 of this Superseding Indictment to the Laboratory's Customers via interstate email and

facsimile communications, in violation of Title 18, United States Code, Section 1343.

(Title 18, United States Code, Section 1349.)

COUNT TWO  
(Wire Fraud)

The Grand Jury further charges:

5. The allegations contained in paragraphs 1 and 2 of this Superseding Indictment are repeated and realleged as if fully set forth herein.

6. From at least in or about 1987 through in or about April 2017, in the Southern District of New York and elsewhere, GABRIEL LETIZIA, Jr., the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, LETIZIA and Laboratory employees sent the Laboratory's reports containing the false information described in paragraph 2 of this Superseding Indictment to the Laboratory's Customers via interstate email and facsimile communications.

(Title 18, United States Code, Sections 1343 and 2.)

**COUNTS THREE AND FOUR**  
**(Engaging in a Monetary Transaction in Property Derived From  
Specified Unlawful Activity)**

The Grand Jury further charges:

7. On or about October 30, 2014, in the Southern District of New York, GABRIEL LETIZIA, Jr., the defendant, knowingly engaged in and attempted to engage in, monetary transactions by, through and to a financial institution, affecting interstate and foreign commerce, in criminally derived property of values greater than \$10,000, such property having been derived from a specified unlawful activity, to wit, wire fraud and conspiracy to commit wire fraud, to wit, LETIZIA caused the following checks, in the following amounts, drawn on Laboratory bank account XXXXXXXX6465, to be issued to an automobile dealership, as partial payment for a 2015 Mercedes-Benz S63 AMG:

Count	Check Number	Amount
Three	12483	\$50,000
Four	12488	\$54,158

(Title 18, United States Code, Sections 1957 and 2.)

**FORFEITURE ALLEGATION**

8. As a result of committing the offenses alleged in Counts One and Two of this Superseding Indictment, GABRIEL LETIZIA, Jr., the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28

United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

9. As a result of committing the offenses alleged in Counts Three and Four of this Superseding Indictment, GABRIEL LETIZIA, Jr., the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all property, real and personal, involved in said offenses, or any property traceable to such property, including but not limited to a sum of money in United States currency representing the amount of property involved in said offenses.

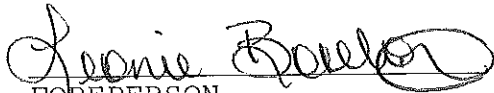
**SUBSTITUTE ASSET PROVISION**

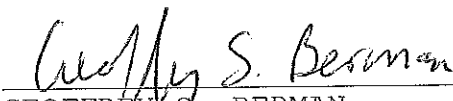
10. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

(Title 18, United States Code, Sections 981 and 982; Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)

  
FOREPERSON

  
GEOFFREY S. BERMAN  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

GABRIEL LETIZIA, Jr.,

Defendant.

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SUPERSEDING INDICTMENT

S1 19 Cr. 548 (KMK)

(18 U.S.C. §§ 1349, 1343, and 1957.)

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GEOFFREY S. BERMAN  
United States Attorney

  
Foreperson

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